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08 UNITED STATES DISTRICT COURT
09 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,) Case No.: CR 02-00286-RSL
11 Plaintiff,)
12 v.) SUMMARY REPORT OF U.S.
13 MICHAEL KEITH CUMMINGS,) MAGISTRATE JUDGE AS TO
14 Defendant.) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE
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16 A probation revocation hearing on a supervised release violation was held before the
17 undersigned Magistrate Judge on October 17, 2005. The United States was represented by
18 Assistant United States Attorney William Redkey, and the defendant by Mr. Timothy Lohraff.
19 The proceedings were recorded on cassette tape.

20 The defendant had been sentenced on or about December 13, 2002, on a charge of being
21 a felon in possession of a firearm. The defendant was sentenced to 45 months in custody
22 followed by three years of supervised release.

23 In an application dated May 25, 2005, U.S. Probation Officer Jennifer J. Tien alleged the
24 defendant committed five violations of the conditions of supervised release. On July 6, 2005,
25 the defendant admitted violations two through five at a hearing before the Honorable Mary Alice
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01 Theiler. (DKT No. 34). At a subsequent hearing, alleged violation number one was withdrawn.
02 (DKT No. 39).

03 In an application dated August 16, 2005, U.S. Probation Officer Jennifer J. Tien alleged
04 the following additional violation of the conditions of supervised release:

05 6. Failing to reside in and successfully participate in the community corrections
06 center program at Pioneer Fellowship House, as directed by the Court, in
07 violation of his special condition of supervised release.

08 At a hearing on October 17, 2005, defendant was advised in full as to this charge and as
09 to his constitutional rights. The defendant admitted violation No. 6, and waived any evidentiary
10 hearing as to whether it occurred.

11 I therefore recommend that the Court find the defendant violated his supervised release
12 as to violation No. 6, and that the Court conduct a hearing limited to the issue of disposition.
13 The disposition hearing has been set before Chief Judge Robert S. Lasnik on November 3, 2005
14 at 8:45 a.m.

15 Pending a final determination by the Court, the defendant has been detained.

16 DATED this 17th day of October, 2005.

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19 JAMES P. DONOHUE
United States Magistrate Judge

20 cc: District Judge: The Hon. Robert S. Lasnik
AUSA: Mr. William Redkey
21 Defendant's attorney: Mr. Timothy Lohraff
Probation officer: Ms. Jennifer J. Tien
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